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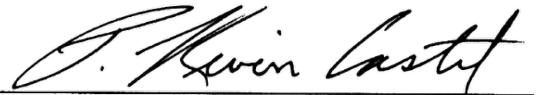
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Via Mail & Facsimile: (212) 805-7949.

Judge P. Kevin Castel
United States Courthouse Courtroom 11D
500 Pearl Street
New York, NY 10007

For the reasons stated in the
Court's Order of April 26, 2021, 26SEP2021
the motion is DENIED.

SO ORDERED.
Dated: 6/9/2021


P. Kevin Castel
United States District Judge

Re: Absolute Nevada LLC. v. Grand Majestic Riverboat Company LLC.
Docket No.: 19-ok cv-11479 (PKC)

Dear Judge Castel,

Capt. Joseph Baer, in Pro Se, say before this court in relation to the Court's Order of the 21st of April, 2021. Capt. Baer makes **Motion for Stay of Proceedings Pending Appeal**.

MOTION FOR STAY OF PROCEEDINGS PENDING APPEAL

NOW INTO COURT, comes Capt. Joseph Baer, in Pro Se, respectfully moves this Court pursuant to Fed. R. Civ. P. 7(b) for entry of an order staying the proceedings until ten (10) days after the Second Circuit Court of Appeals issues a ruling resolving Capt. Baer's appeal of this Court's dismissal of Capt. Baer's Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause enjoining Absolute Nevada, James Kliener, and the current Arbitration panel; Robert Shaw, Peter S. Wiswell, and George Tsimis; pending appeal.

In support, Capt. Baer state as follows:

1. On the 4th of August, 2020 , the Court conducted a hearing on Absolute Nevada's Order to Show Cause.
2. On the 1st of September, 2020, the court determined that Capt. Baer had been properly served and was in contempt.
3. On the 30th of September, 2020, Capt. Baer filed a Motion for Reconsideration and Vacate. On the 15th of October, 2020 Absolute Nevada through their counsel filed a Cross-Motion

for attorney's fees and motioned for the arrest and incarceration of Capt. Baer for his refusal to comply and release the lien against the MV Americana.

4. On the 18th of December, 2020 the court denied Capt. Baer's motions and denied Absolute Nevada's Cross-Motions

5. On the 6th of January, 2021, Capt. Baer appealed the Courts decision of the 1st of September, 2020 and the court's decision of the 18th of December, 2020, to the United States Court of Appeals for the 2nd Circuit.

6. On the 25th of March, Mr James Kleiner, on half of Absolute Nevada filed a Petition to confirm the arbitration award into a judgment of the court.

7. On the 5th of April, 2021, Capt. Baer filed a Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause.

8. In a bizarre and unusual course of events, outside standard procedure, the court held his pleadings for "Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause" in chambers for two weeks and blocked the Pro Se Clerk from filing Capt. Baer's pleadings into the record.

9. Absolute Nevada's counsel, James Kleiner, wrote into chambers on the 19th of April, 2021, a formal letter with his objections and discontent to Capt Baer's Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause. Mr. Kleiner's requests were submitted in an improper format nor were they requested in a proper motion. Mr Kleiner's letter was filed immediately upon receipt. Capt. Baer's original motion was not allowed until two days later. Even though it was filed April 5th the record shows it not being filed until the 23rd, 17 days after actual filing date.

10. On the 21st of April Capt. Baer filed a Notice Appeal in response to the court's ruling of the same day denying his Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause.

11. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

12. A federal district court “has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). Accord *Sierra Club v. United States Army Corps. of Eng’rs*, 446 F.3d 808, 816 (8th Cir. 2006).

13. Capt. Baer’s Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause raise the legal issues that are likely to be addressed by the Second Circuit in adjudicating Capt. Baer’s appeal of this Court’s denial of a preliminary injunction.

14. Judicial efficiency counsels strongly in favor of staying this Court’s proceedings pending appeal. Absent an order of this Court staying further proceedings all parties will be required to concurrently litigate this matter in both courts and arbitration.

15. Such a concurrent litigation process is unnecessarily duplicative and costly and is not designed “to secure the just, speedy, and inexpensive determination of every action and proceeding.” *Fed. R. Civ. P. 1*.

WHEREFORE, Capt. Baer respectfully moves the Court enter an order staying the proceedings until ten (10) days after the Second Circuit issues a ruling resolving Capt. Baer’s appeal of this Court’s denial of his Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause; Motion for Reconsideration, Vacate and New Trial; and the District Court’s ruling of September 1st, 2020 and its ruling of December 18th, 2020

Submitted this 26th day of April, 2021.

Respectfully Submitted,



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504-460-2057

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served by electronic mail placing a copy of the same by US Mail prepaid postage this 26th of April 2021

Respectfully Submitted,



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